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10/706,758

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Peggy Truong

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/706,758

Applicant(s)

TRUONG, PEGGY

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is unclear how the connecting means for detachably connecting the storage compartments together (Examiner assumes this is zipper 40) also acts as a means for receiving and displaying a device within the first storage compartment. In claim 22, it is unclear what structural limitations Applicant is attempting to claim. Little to no description has been provided in the original specification as filed to explain how the hinge attachment strip provides for additional structural integrity to the first inner storage compartment. Examiner notes that "internal and external structural support" is briefly mentioned on page 26 of Applicant's disclosure, but not with respect to the hinge attachment strip. For purpose of this Office action, Examiner is considering the mere existence of a hinge attachment strip to add material on a surface of the inner storage compartment, thus providing the inner storage compartment with additional structural integrity.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 22, 26, 32, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Purpura (US 6,659,319 B2).

Purpura discloses a carrying case for securing a telecommunication device (12) to a seat (60) within a vehicle, comprising a housing member (10), first and second inner storage compartments (16,14) each having top, bottom, side, and rear walls, a connecting means (zipper 32) for connecting the first and second storage compartments along their perimeter edgings, a hinge assembly including an attachment strip member (col. 5 lines 18-21) and an attachment flap member (68) reversible between attached and detached positions, and a harness strapping assembly having a pair of detachable shoulder straps (44,46) with connecting means (66), the shoulder straps being capable of attaching to a seat's headrest or backrest.

5. Claims 1-4, 6, 10-12, 22-24, 26, 32, 35, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Swaim et al. (US 6,685,016 B2).

Regarding claims 1-4, 6, 22, 26, and 36, Swaim et al. disclose a carrying case for securing a telecommunication device to a seat within a vehicle, comprising a housing member (1), first and second inner storage compartments (22,32) each having top, bottom, side, and rear walls, a connecting means (zipper 50) for connecting the first and second storage compartments along their perimeter edgings, a hinge assembly including an attachment strip member (54,59) and an attachment flap member (52,56)

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reversible between attached and detached positions, and a harness strapping assembly having a pair of detachable straps (60) with connecting means (col. 6 line 54 – col. 7 line4), the harness straps being capable of attaching to a seat's headrest or backrest (Figure 7).

Regarding claim 10, Swaim et al. disclose a plurality of disk sleeves (24) on the rear wall of the first interior compartment (Figure 6).

Regarding claims 11 and 12, Swaim et al. disclose holding rings (64) on the corners of the first storage compartment (22) and depending on how you orient the carrying case, these corners can be considered the upper or lower corners.

Regarding claim 23, the hinge attachment flap member (52,56) of Swaim et al. includes a flexible section (strap sections) and a rigid section (button-snap sections).

Regarding claim 24, the flexible section (strap sections) of the hinge attachment flap member of Swaim et al. is connected to the second storage compartment at one end (via 10).

Regarding claim 32, a user could use either strap of Swaim et al. as a shoulder-mounted strap.

Regarding claim 35, Swaim et al. teach that the carrying case may be made of cloth, a woven fabric.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swaim et al. as applied above in view of Amram (US 6,460,746 B1).

The carrying case of Swaim et al. includes the claimed features except for the hinge attachment flap member (52,56) having multiple snap members on multiple surfaces. Instead, the hinge flap member has a single snap member (57) on first and second surfaces (52,56) of the flap member. Amram teaches that it is known in the art to attach a flap (32) to another surface using a pair of snaps, where a pair of snaps (126) is found on the strap and the mating pair of snaps (124) is found on the mounting surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the single snap connections of Swaim et al. with paired snap connections, as taught by Amram, since both single and paired snap connections are well known art equivalent attachment means.

8. Claims 27, 29, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swaim et al. as applied above in view of Myles et al. (US 5,887,777 A).

Regarding claims 27 and 31, the carrying case of Swaim et al. includes the claimed features except for the harness straps each having an adjustable buckle. Swaim et al. does teach that it may be desirable to make the straps adjustable (col. 6 lines 65-67). Myles et al. disclose a carrying case having a harness strap that is made adjustable via an adjustable buckle (46a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the harness straps of

Swaim et al. adjustable using adjustable buckles, as taught by Myles et al., in order to allow a user to adjust the length of the straps.

Regarding claims 29 and 30, the carrying case of Swaim et al. includes the claimed features except for the second harness strap having releasable latch members at its ends. Swaim et al. does teach that the strap is connected to the carry case via rigid rings. The harness strap of Myles et al. is also attached to the carrying case using rigid rings, and Myles et al. teach that in order to secure the strap to these rings, a releasable latch member (68) is provided on each end of the strap. It would have been obvious to one having ordinary skill in the art at the time the invention was made attach the harness strap of Swaim et al. to the rigid rings on the carrying case using releasable latch members, as taught by Myles et al., in order to allow a user to easily connect the harness strap to the carrying case.

9. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Purpura or Swaim et al. as applied above in view of Meritt (US 6,092,705 A).

Either of the Purpura or Swaim et al. carrying case include the claimed features except for the walls of the carrying case being padded or cushioned. Meritt, however, also discloses a carrying case for a telecommunication device and teaches that the walls of the case are padded to protect the device held therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the walls of either the Purpura or Swaim et al. carrying devices with padding, as taught by Meritt, in order to better protect the device held therein.

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10. Claims 1-4, 6-9, 11, 13, 14, 16, 17, 22, 26, 29, 30, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santos et al. (US 6,763,986 B2) in view of Delligatti (US 5,439,154 A).

Regarding claims 1-4, 6, 22, 26, 29, 30, 35, and 36, Santos et al. disclose a leather (col. 3 line 41) carrying case that is capable of securing a telecommunication device to a seat within a vehicle, comprising a housing member (10), first and second inner storage compartments (22,20) each having top, bottom, side, and rear walls, a connecting means (zipper 130) for connecting the first and second storage compartments along their perimeter edgings, and a harness strapping assembly having a pair of detachable straps (108,116), one having connecting means (118,122), the harness straps being attachable to a seat's headrest or backrest (Figure 1B).

The carrying case of Santos et al. does not have a hinge assembly with an attachment strip member and an attachment flap member. Delligatti, however, also disclose a carrying case (Figure 1) like that of Santos et al. (Figure 3) and teaches that the carrying case has a hinge assembly including an attachment strip member (54) to which an attachment flap member (90) is secured. The flap extends over the perimeter edgings of the carrying case's two main storage compartments to hold them together in a transport configuration. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hinge assembly on the carrying case of Santos et al., as taught by Delligatti, in order to allow a user to better secure the carrying case in a transport configuration, possibly without having to first zipper the storage cases together in the event that the carrying case needs to be transported



quickly. This combination would effectively place an attachment strip (54, Delligatti) on one storage compartment of Santos et al. and an attachment flap (90, Delligatti) on the opposing storage compartment of Santos et al.

Regarding claims 7 and 8, Santos et al. discloses a series of mesh pouches (Figure 1B, claim 10) on the interior of the first storage compartment.

Regarding claim 9, Santos et al. discloses a pouch (96) on the interior of the second storage compartment, the pouch having a closure means (106) thereon.

Regarding claim 11, Santos et al. disclose holding rings (122, 124) on the corners of the first storage compartment and depending on how you orient the carrying case, these corners can be considered the upper corners.

Regarding claims 13 and 14, Santos et al. disclose a handle strap (134) secured to the corners of a top wall of the first storage compartment, the strap having first and second ends secured thereto.

Regarding claims 16 and 17, the pocket (96) of Santos et al. includes a flap closure member and Santos et al. teach that the closure means for securing the flap may include buttons (col. 3 line 67).

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santos et al. in view of Delligatti as applied above in view of Siwak (US 6,328,146 B1).

The modified Santos et al. carrying case includes the claimed features except for a pouch having an elastic opening band for opening and closing the pouch. Siwak, however, also discloses a carrying case and teaches that a mesh pocket (24) has an elastic opening band (38) attached at the pouch's opening. It would have been obvious

to one having ordinary skill in the art at the time the invention was made to include an elastic opening band on a pouch of the modified Santos et al. carrying case, as taught by Siwak, so that an object was less likely to fall out of the pouch and so that the pouch would better grip a larger object placed in the pouch.

12. Claims 18, 20, and 21 are rejected under 35 U.S.C 103 (a) as being unpatentable over Santos et al. in view of Delligatti as applied above in view of Myron (US 2004/0134954 A1).

The modified Santos et al. carrying case includes the claimed limitations, including a hinge attachment strip, however, is unclear just how the hinge attachment strip is secured to the wall of the storage compartment. Myron teaches that it is known in the art to use either stitching, adhesive, staples, or grommets to secure a piece of material to another material surface [0030]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a well known fastening means, such as grommets, as taught by Myron, in order to secure the hinge attachment strip to the wall of the modified Santos et al. storage compartment. With a grommet in place, a cord or wire could certainly be fed through the grommet if the user so desired.

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Swaim et al. or Santos et al. in view of Delligatti as applied above in view of Burnett et al. (US 6,405,909 B1).

The carrying cases of both Swaim et al. and Santos et al. in view of Delligatti include the claimed features except for the first harness strap having a buckle with male and female elements for releasable connection around the vehicle seat headrest.

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Burnett et al., however, also discloses a carrying case suspended from a vehicle seat headrest and teaches that the harness strap securing the carrying case to the headrest has a buckle with releasable male and female structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a buckle with releasable male and female structure on the first harness strap of either Swaim et al. or Santos et al. in view of Delligatti, as taught by Burnett et al., in order to allow a user to quickly and easily attach and detach the harness strap around the headrest.

#### ***Specification***

14. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

#### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER

JML  
9/8/06